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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/619,245	07/19/2000	Paul W. Stiles	336080-00010	1091

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EXAMINER

DIXON, THOMAS A

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 08/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/619,245

Applicant(s)

STILES ET AL.

Examin r

Thomas A. Dixon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11, 13-25 and 27-32 is/are pending in the application.
- 4a) Of the above claim(s) 1-10, 12 and 26 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11 and 13-25 is/are allowed.
- 6) ☒ Claim(s) 27-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 May 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-10, 12 and 26 have been cancelled.
2. The 112 and 101 rejections are withdrawn.
3. The drawings area acceptable.
4. Applicant's arguments filed 5/29/2003 have been fully considered but they are not persuasive.

Arguments to claim 27 are to features not in the claim as it remains as originally filed rather than amended as stated in the remarks.

In response to applicant's argument that Ehret et al , Tagawa and Simpson are nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the reasons to combine come from one skilled in the travel art at the time of the invention, rather than from the references themselves.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 27-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Ehret et al (5,006,985).

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As per Claims 27.

Ehret et al ('985) discloses:

acquiring information from at least one information source, see figures 1a-c-4;
transforming said acquired information into pertinent travel related activities, see figure 5 and column 6, lines 41-51;

using rules for applying the transformed travel information to said consumer-specific travel profile, see figure 18 and column 6, lines 41-51;

creating a product for said consumer indicative of the results of said application of said transformed travel information to said consumer-specific travel profile, see column 6, lines 41-51.

As per Claim 28.

Ehret et al ('945) further discloses creating a travel report for the consumer, see figures 6, and 7a-b.

As per Claim 29.

Ehret et al ('945) further discloses identifying alert information related to a travel destination of a consumer, see figure 6.

As per Claim 30, 31.

Ehret et al ('945) further disclose delivering a product to said consumer indicative of said transformed travel data, see figures 5-7a-b.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehret et al (5,006,985) in view of Tagawa (WO 97/17680) further in view of Simpson et al (5,999,882).

As per Claim 32.

Ehret et al ('985) teaches displaying the output to the customer, see figures 5-7c, but does not disclose the distribution channel is the internet, wireless media or physical delivery location. Mail delivery of travel information is well known in the art, see figure 7c

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address on the itinerary report, that could be used with a window envelope, travel agents have historically mailed tickets and itinerary to customers in the days before etickets.

Simpson et al ('882) teaches the internet as a network, see column 4, lines 31-67 as an advancement in technology.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to modify the invention of Ehret et al to use a network such as the internet as taught by Tagawa and Simpson et al to reach a wider client base.

Allowable Subject Matter

7. Claims 11, 13-25 are allowable.

8. The following is a statement of reasons for the indication of allowable subject matter:

As per Claim 11.

The prior art of record, specifically, Ehret et al (5,006,985) in view of Tagawa (WO 97/17680) further in view of Simpson et al (5,999,882) does not disclose or fairly teach a content identification segment for performing identification of potential information sources.

As per Claim 23.

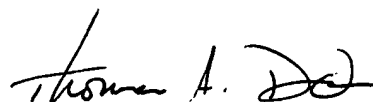
The prior art of record, specifically, Ehret et al (5,006,985) in view of Tagawa (WO 97/17680) further in view of Simpson et al (5,999,882) does not disclose or fairly teach a means for applying keyword analysis to said event/alert segment for analyzing said received event/alert.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (703) 305-4645. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

A handwritten signature in black ink, appearing to read "Thomas A. Dixon". The signature is stylized with a large, sweeping initial 'T' and a cursive 'D'.

Thomas A. Dixon
Examiner
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August 13, 2003